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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,034	04/06/2000	Eduardo Cue	P2512/560	9025

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EXAMINER

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/545,034

Applicant(s)

CUE ET AL.

Examiner

James H. Zurita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74, 76-79, 81 and 83-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74, 76-79, 81, 83-93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Prosecution History

On 6 April 2000, applicant filed the present application.

On 30 April 2003, the Examiner rejected claims 1-72 as unpatentable over Blinn (6058373) and Henson (US 6167383).

On 30 July 2003, applicant cancelled claim 72 and amended claims 1, 10, 11, 23, 24, 26, 27, 34, 39, 41, 51, 54-56 and 69-71.

On 15 October 2003, the Examiner rejected claims 1-71 as unpatentable over Blinn and Henson, above.

On 23 February 2004, applicant cancelled claims 3, 20, 21 and 58, amended other claims and requested reconsideration.

On 10 March 2004, the Examiner issued an Advisory Action.

On 22 March 2004, applicant requested continued examination.

On 1 July 2004, the Examiner rejected pending claims 1-2, 4-19, 22-57 and 59-71 as unpatentable over Blinn and Henson, above.

On 1 November 2004, applicant cancelled claims 14, 25-72 and added claim 73.

On 4 February 2005, the Examiner issued a Final Rejection of the pending claims as unpatentable over Blinn and Henson, above.

On 4 May 2005, applicant filed a second request for continued examination. Applicant cancelled all pending claims and added claims 74-80.

On 16 July 2005, the Examiner issued a non-final rejection as follows:

- Claims 74, 76-79 as being unpatentable over Henson (US 6,167,383) in view of Blinn (US 6058373).

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- Claims 75 and 80 were rejected as being unpatentable over Henson (US 6,167,383) in view of Blinn (US 6058373) and further in view of Fields (US 6704797).

On 2 September 2006, the Examiner issued a final rejection as follows:

- Claims 74, 76-79, 81, 83-86 were rejected as being unpatentable over Henson (US 6,167,383) in view of Blinn (US 6058373).
- Claims 75, 80, 82 and 87 were rejected as unpatentable over Henson (US 6,167,383) in view of Blinn (US 6058373) and further in view of Fields (US 6,704,797).

On 9 August 2006, applicant filed a third request for continued examination.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 9 August 2006 has been entered.

Response to Amendment

On 9 August 2006, applicant amended claims 74, 76, 80, 81, 83 and 87.

Applicant cancelled claims 75 and 82. Applicant added claims 88-93.

Claims 74, 76-79, 81, 83-93 are pending.

Claim Rejections - 35 USC § 112

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Claims 80, 87, 90 and 93 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims refer to identification of a [target] custom store where the identification is stored in the referrer header field of an HTTP request. The **referrer** field of an HTTP header for an HTTP request contains information concerning the referrer, i.e., the source of the HTTP request.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **74, 77-81, 84-87** are rejected under 35 U.S.C. 102(e) as being anticipated by Henson (US 6,167,383).

As per claim 81, Henson discloses methods and systems for presenting customized information at an electronic commerce site, comprising the following steps:

- **storing** information in a computer database relating to products offered by a vendor at an electronic commerce site (see, for example, Fig. 1, item 24);
- **displaying** said information relating to said products on a computer interface (see, for example, at least Fig. 3A);

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- **storing** via said interface, configuration data in said database that defines a custom store that provides customers with at least one of a restricted set of said products and non-standard pricing for said products (see, for example, references to generating a customizable online store for particular [restricted] customer sets, as in Col. 3, lines 36-54. See also customized Premier Pages, at least Col. 14, lines 35-61); and

in response to a an HTTP request for access to said electronic commerce site,

- **determining** whether a referrer header field of said request indicates that said request originated from a predetermined host (e.g., **www.dell.com**; see, for example, at least Col. 14, lines 19-34), and
- **generating and returning** a custom store page based upon said configuration data if the referrer header field indicates that the request originated from said predetermined host (see, for example, at least Col. 14, lines 35-61).

Claim 74 is rejected on the same grounds as claim 81.

As per claim 77, Henson discloses that

- said database stores standard prices for said products (see, for example, at least Col. 2, lines 5-27, concerning standard orders and prices) and
- said configuration data includes discount pricing information (see, for example, at least Col. 10, lines 29-49, for GSA customers), and wherein said custom store application automatically

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- calculates discounted prices from said stored standard prices for display on said custom store page (see, for example, at least Col. 10, lines 29-49, Col. 14, lines 19-61).

As per claim 78, Henson discloses that

- said database stores configuration data for a plurality of different custom stores (see, for example, at least Col. 2, lines 27-48, customization of online stores, customizable per customer set, as in Col. 3, lines 36-44), and wherein
- said custom store application selects configuration data that is associated with said predetermined host (**www.dell.com**, as in Col. 14, lines 19-34) to generate and return said custom store page (premier pages, Col. 14, lines 35-61).

As per claim 79, Henson discloses that the request includes an identification of the custom store to be selected (see, for example, references to generating a customized online store for particular [restricted] customer sets, as in Col. 3, lines 36-54. See also customized Premier Pages, at least Col. 14, lines 35-61).

As per claim 80, Henson disclose that the identification of a [target] custom store is contained in an HTTP **header field** of the [HTTP] request. See, for example, references to source and destination stores, as in Col. 14, lines 19-61.

Claim 84 is rejected on the same grounds as claim 77.

Claim 85 is rejected on the same grounds as claim 78.

Claim 86 is rejected on the same grounds as claim 79.

Claim 87 is rejected on the same grounds as claim 80.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 76, 83, 88-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (US 6,167,383) in view of Blinn (US 6,058,373).

As per claim 83, Henson discloses methods and systems for presenting customized information at an electronic commerce site, comprising the following steps:

- **storing** information in a computer database relating to products offered by a vendor at an electronic commerce site (see, for example, Fig. 1, item 24);
- **displaying** said information relating to said products on a computer interface (see, for example, at least Fig. 3A);
- **storing** via said interface, configuration data in said database that defines a custom store that provides customers with at least one of a restricted set of said products and non-standard pricing for said products (see, for example, references to generating a customizable online store for particular [restricted] customer sets, as in Col. 3, lines 36-54. See also customized Premier Pages, at least Col. 14, lines 35-61); and

in response to a request for access to said electronic commerce site,

- **determining** whether said request designates a custom store (Col. 14, lines 35-42, page that *links to the store [i.e., request designates a custom store]* is password protected), and

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- **generating and returning** a custom store page based upon said configuration data if the request designates a custom store (see, for example, Col. 14, lines 35-61).

As per claim 83, Henson discloses determining whether said configuration data includes information relating to products and providing notification via said interface if such information is included in the configuration data (see, for example, at least Col. 10, line 49-Col. 11, line 8). Henson refers to optimized responsiveness (availability, for example) in ordering custom-configured systems (see, for example, Col. 14, lines 43-64). Henson discloses recommendations of *upgrades* of products, as in Col. 9, line 56-Col. 10, line 18.

As per claim 83, Henson **does not** specifically disclose that product information specifically refers to products that are no longer offered by said vendor. This feature is disclosed by Blinn (see, for example, at least Col. 22, line 66-Col. 23, line 4).

It would have been obvious to one of ordinary skill at the time the invention was made to combine Henson and Blinn to disclose that the type of product information specifically refers to products that are no longer offered by said vendor.

One of ordinary skill at the time the invention was made would have been motivated to combine Henson and Blinn to disclose that the type of product information specifically refers to products that are no longer offered by said vendor for the obvious reason of preventing increased customer dissatisfaction with the online buying experience.

Claim 76 is rejected on the same grounds as claim 83.

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As per claim 88, Henson discloses that

- said database stores standard prices for said products (see, for example, at least Col. 2, lines 5-27, concerning standard orders and prices) and
- said configuration data includes discount pricing information (see, for example, at least Col. 10, lines 29-49, for GSA customers), and wherein said custom store application automatically
- calculates discounted prices from said stored standard prices for display on said custom store page (see, for example, at least Col. 10, lines 29-49, Col. 14, lines 19-61).

As per claim 89, Henson discloses that

- the database stores configuration data for a plurality of different custom stores (see, for example, references to generating a customizable online store for particular [restricted] customer sets, as in Col. 3, lines 36-54. See also customized Premier Pages, at least Col. 14, lines 35-61); and further includes the step of
- **selecting** configuration data that is associated with said **predetermined host** to generate and return said custom store page (see, for example, at least Col. 14, lines 35-61).

As per claim 90, Henson discloses that the request is an HTTP request (see Col. 14, lines 19-34). However, Henson **does not** specifically disclose identification of the custom store to be selected is included in a **referrer header field [of the HTTP request]**.

Claim 91 is rejected on the same grounds as claim 88.

Claim 92 is rejected on the same grounds as claim 89.

Claim 93 is rejected on the same grounds as claim 90.

Response to Arguments

Applicant's arguments have been carefully considered but are not persuasive.

Applicant argues,

In setting forth the rejection, the Office Action states that the **Henson** patent discloses that a custom store application makes a determination that a request for access originated from a predetermined host "by examining embedded identifiers in an **HTTP header**", with **reference** to column 14, lines 19-61. It is respectfully submitted that the cited passage from the **Henson** patent **does not** support this statement. Specifically, there is no disclosure in the **Henson** patent of examining **HTTP headers**. Rather, the patent only discloses the use of the **link** that a customer executed to get to an online store, as an indicator of a group to which that customer belongs.

Nowhere in this passage does the **Henson** patent disclose that **HTTP headers** are examined. Rather, it discloses that, by clicking on a link that directs the user to a particular site, or page, the user is identified as belonging to the group associated with that site, or page. There is no disclosure that a header is examined to determine the host from which the link was clicked. In the context of the **Henson** patent, there is no need for such examination. The operation of the system described in the **Henson** patent is based upon the fact that the user clicked on a link to get to a particular page. Because of this, there is no need to know any information about the host from which the user accessed that link. As noted above, if the user has the ability to get to the page, the user is automatically identified as being a member of the group associated with that page, regardless of where the user came from.

In response, the Examiner respectfully notes that Henson discloses use of the web (World Wide Web), as in Col. 14, lines 19-61 and **www.dell.com**. The web is the total set of interlinked hypertext documents residing on HTTP (HyperText Transfer Protocol) servers all around the world. Henson discloses clicking on a hyperlink, thereby invoking the HTTP protocol. See attached Hypertext Transfer Protocol, version 1.0, May 1996, downloaded from **http://www.ietf.org/rfc/rfc1945.txt** on 8 November 2006.

A "traverse" is a denial of an opposing party's allegations of fact.¹ The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03 Reliance on Common Knowledge in the Art or "Well Known" Prior Art. In view of applicant's failure to adequately traverse official notice, the following are admitted prior art:

...users, including administrators, often need interfaces to interact with computers to store data in databases.
... it is important to provide for Internet information distribution techniques that is lightweight, uses existing protocols and that is completely transparent to the end user.

¹ Definition of Traverse, Black's Law Dictionary, "In common law pleading, a traverse signifies a denial."

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...it is old and well known to identify a source machine by identifying its IP address.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
8 November 2006

James Zurita
Primary Examiner